



Sunoco, Inc.
1735 Market Street Ste LL
Philadelphia PA 19103-7583

VIA FEDERAL EXPRESS
NO. 8737 8887 5575

January 31, 2012

Michael A. Mintzer
Assistant Regional Counsel
New York/Caribbean Superfund Branch
Office of Regional Counsel
U.S. Environmental Protection Agency, Region II
290 Broadway, 17th Floor
New York, NY 10007-1866

**Re: Newtown Creek Superfund Site, Kings County and Queens County,
New York Request for Information**

Dear Mr. Mintzer:

The following is submitted by Sunoco, Inc. and Sunoco, Inc. (R&M) (collectively, "Sunoco") in response to the U.S. Environmental Protection Agency's ("EPA") Request for Information pursuant to Section 104(e) of CERCLA, dated October 25, 2011, regarding the Newtown Creek Superfund Site.

Sunoco objects generally to the EPA's Request on the following grounds:

General Objections

1. Sunoco objects that the Request for Information is directed at the "Company" which is defined as "the addressee of this letter and its current and past constituent and affiliated entities" which is overbroad and unduly burdensome. This response is made on behalf of Sunoco, Inc. and Sunoco, Inc. (R&M). By responding to these Requests on behalf of Sunoco, Inc. and Sunoco, Inc. (R&M), Sunoco in no way diminishes its rights or defenses including but not limited to the limits in the relationship of either or both entities to the Facility.
2. Sunoco objects to the Requests for Documents and Information and related instructions and definitions to the extent that they use vague terminology and/or

descriptions. By way of example only, certain Requests are vague or ambiguous to the extent that it does not define various terms or purports to define terms other than by their commonly understood meaning. Respondent specifically states that it has provided responses to the Requests based upon its understanding of the requests and the common usage of specific terms not otherwise defined.

3. Sunoco objects to the overbroad and/or unduly burdensome Requests for Documents and Information and related instructions and definitions including but not limited to:
 - (a) To the extent that they seek documents and information for an unspecified time period.
 - (b) To the extent that they seek documentation or information without limitations with respect to the Facility (as defined by the EPA) which Sunoco owned or operated for more than fifty-six (56) years and sold more than thirty-one (31) years ago.
 - (c) To the extent that they seek documents and information that pertain to all "Other Newtown Creek Propert[ies]" that are within one-thousand feet from the shoreline of Newtown Creek (including each branch or tributary of NewtownCreek).
4. Sunoco objects to the Request for Information to the extent it seeks information or documents protected by the attorney-client privilege, the attorney work product doctrine, the audit or self-evaluative privilege, joint defense privilege, or any other applicable privilege or was created or received by Sunoco pursuant to confidentiality agreements. Sunoco is not providing information or documents that fall within these categories and reserves the right to object to the production of any documents or other information. These disclosures are not intended to prejudice or waive any privileges or objections Sunoco may have with respect to any outstanding or subsequent requests for documents or information.
5. Sunoco objects to the Request for Information to the extent it seeks information or documents in the possession of the United States or another governmental agency or is otherwise public information equally available to the EPA. Sunoco is not providing information or documents that fall within this category.
6. Sunoco objects to the extent the Request for Information seeks information or documents regarding petroleum materials that are exempt from CERCLA's definitions of "hazardous substances" and "pollutants or contaminants" as set forth in 42 U.S.C. § 9601(15) and (33) or otherwise seeks information beyond that authorized by 42 U.S.C. § 9604(e).
7. Sunoco objects to the requirement to provide a notarized affidavit with its response which is not authorized by CERCLA.
8. This response does not constitute, nor shall it be construed to be an admission of liability or facts with respect to any claims, demands, causes of action or alleged

violations set forth in this Request for Information or relating to the subject matter of this Request.

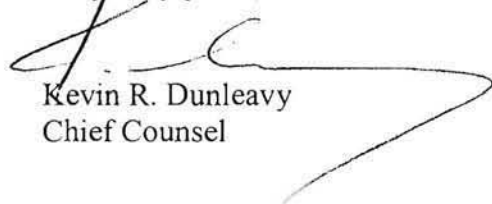
9. Sunoco's response to this Request for Information is limited to the currently available information and personnel, and Sunoco reserves the right to supplement, modify and/or amend its response if new or additional information becomes available. Sunoco does not routinely maintain documents or other information beyond timeframes specified in corporate records retention policies or as otherwise required by law.
10. Sunoco is willing to provide additional information if specifically requested by the Department in the future and in compliance with CERCLA, provided that the information is relevant, reasonably available, has not already been provided and is not otherwise subject to these objections.

Subject to the preceding general objections, Sunoco's response is attached hereto as Attachment "A."

Per your email dated January 23, 2012, Sunoco's response with respect to the Other Newtown Creek Properties will be provided to the EPA by March 1, 2012.

Please call our outside counsel, Joseph Freudenberg, Esquire at 215.575.7289 if you have any questions regarding this response.

Very truly yours,



Kevin R. Dunleavy
Chief Counsel

cc: Caroline Kwan (w/o exhibits)
Remedial Project Manager
New York Remediation Branch
Emergency and Remedial Response Division
U.S. Environmental Protection Agency, Region II
290 Broadway, 20th Floor
New York, NY 10007-1866

Joseph Freudenberg, Esquire (Dilworth Paxon LLP)
Teresa Land, Sunoco

ATTACHMENT A

Section 1.0 Company Information

1. **Company Identification: Provide the following information with respect to the Company.**

a. **The full legal, corporate name and mailing address.**

Sunoco, Inc.
1818 Market Street, Suite 1500
Philadelphia, PA 19103

b. **The state and date of incorporation, the date of qualification to do business in the State of New York, and the agents for service of process in the state of incorporation and in New York State.**

Sunoco, Inc. was incorporated as Sun Oil Company (PA) in Pennsylvania on August 4, 1971 and qualified to do business in the State of New York on April 29, 1998. Sunoco, Inc.'s registered office in Pennsylvania is 1818 Market Street, Philadelphia, PA 19103, and its registered agent in New York is CT Corporation System, 111 Eighth Avenue, New York, New York, 10011.

c. **The Chief Executive Officer or other presiding officer of the entity and the mailing address of that officer.**

Lynn L. Elsenhans
Chairman, Chief Executive Officer and President
Sunoco, Inc.
1818 Market Street, Suite 1500
Philadelphia, PA 19103

d. **If the Company is a successor by merger, acquisition or other activity to any other entity, identify each such entity and describe the nature of the succession. Please provide purchase and sale documents that related to such merger, acquisition or other activity including any indemnities associated with such activity.**

Not applicable

e. **If the Company is a subsidiary, division, branch or affiliate of another corporation or other entity, identify each of those other entities and those entities' Chief Executive Officers or other presiding officers. Identify the state of incorporation and agents for service of process in the state of**

incorporation and in New York State for each entity identified in your response to this question.

Sunoco, Inc. has numerous subsidiaries that may be considered "affiliates" and which have no relationship to the Facility or Other Newtown Creek Property(ies). The Facility was owned by Sunoco, Inc. (R&M) (formerly known as Sun Oil Company of Pennsylvania), a wholly-owned subsidiary of Sunoco, Inc., or its predecessors. Sunoco, Inc. (R&M) is a Pennsylvania corporation. Sunoco, Inc. (R&M)'s President is John D. Pickering. Sunoco, Inc. (R&M)'s registered office in Pennsylvania is CT Corporation System, 1515 Market Street, Suite 1210, Philadelphia, PA 19102, and its registered agent in New York is CT Corporation System, 111 Eighth Avenue, New York, New York, 10011.

2. **Future EPA Communications: If the addressee of this letter requests that future communications from EPA regarding the Site be sent to a particular individual or office, provide the name, address, telephone number, e-mail address and capacity of such individual or office.**

Counsel for Sunoco:

Joseph Freudenberg, Esquire
Dilworth Paxson LLP
1500 Market Street, 3500E
Philadelphia, PA 19102

215.575.7289
jfreudenberg@dilworthlaw.com

With a copy to:

Kevin Dunleavy, Esquire
Chief Counsel
1735 Market Street, Suite LL
Philadelphia, PA 19103

215.977.6273
krdunleavy@sunocoinc.com

Section 2.0 Owner/Operator Information

3. **Separately provide a brief summary of the Company's relationship to the Facility (see Definition number 9.a for "Facility") and each Other Newtown Creek Property (see Definition number 9.a for "Other Newtown Creek Property"), including:**

- a. **Nature of the Company's interest in the Facility and each Other Newtown Creek Property;**

Sun Oil Company of Pennsylvania (now known as Sunoco, Inc. (R&M)) owned the Facility from December 21, 1923 until May 16, 1980.

- b. **Corporate identity of any entity affiliated with the Company that holds or held such interest;**

See Response to Request 3.a., above.

- c. **Address, Borough, Block and Tax Lot Identification and map or schematic locating the Facility and each Other Newtown Creek Property;**

53-02 11th Street
Long Island City, NY
Borough of Queens
Block 38, Lot 16

- d. **Dates of acquisition and date of disposition of interest and identity of transferor and transferee;**

The Facility was acquired on December 21, 1923 by the Sun Oil Company (predecessor to Sun Oil Company of Pennsylvania) from Fielder J. Coffin and Marjorie Pitkin Coffin and sold by the Sun Oil Company of Pennsylvania to Lusa Realty Corp. on May 16, 1980.

- e. **Dates of operation and date of cessation of operation and identity of lessor, licensor or other person with paramount interest (e.g., property owner, prime leaseholder);**

It is unknown when operations commenced or ceased at the Facility.

Sunoco is unaware of any lessors, licensors or other persons with paramount interest except as set forth in the Responses to Requests 3.a., 3.d. and 6.

- f. **The principal business and each other line of business conducted by the Company at the Facility and at each Other Newtown Creek Property; and**

The Facility was used by Sunoco as a petroleum terminal.

- g. **Provide a copy of all instruments evidencing the acquisition or conveyance of such interest (e.g., deeds, leases, licenses, purchase and sale agreements, partnership agreements, etc.).**

See attached Exhibit 1, attached hereto.

4. **Identify all entities who concurrently with the Company exercise or exercised actual control or who held significant authority to control activities at the Facility, including:**
- a. **Lessees, sublessees, partners, joint venturers or holders of easements.**
 - b. **Contractors, subcontractors, licensees or licensors that exercised control over any materials handling, storage, or disposal activity.**
 - c. **Pipelines providing delivery of materials to, distribution within or shipment from the Facility;**
 - d. **Railroads or rail lines providing delivery of materials to or shipment from the Facility;**
 - e. **Truckers providing delivery of materials to or shipment from the Facility;**
 - f. **Barge service companies providing delivery of materials to or shipment from the Facility; and**
 - g. **Any other person with activities and/or easements regarding the Facility.**

Sunoco has not located any information or documents responsive to this request.

5. **Identify all current or prior owners that you are aware of for the Facility. For each prior owner, further identify if known, and provide copies of any documents you may have regarding:**
- a. **the dates of ownership and operations conducted at such times;**
 - b. **any corporate or real estate affiliation between the Company and each such prior owner; and**
 - c. **release of hazardous substances, industrial waste, other waste including petroleum, at the Facility during the period that the prior owners owned the Facility with such details as you are aware of.**

Sunoco does not know who is the current owner of the Facility. See the Response to Request 3.d. with regard to other prior owners. Other than the real estate transfers described in Response to Request 3.d., there are no identified corporate or real estate affiliations between Sunoco and the prior or subsequent owners of the Facility. Our understanding is that the Facility continued to operate as a petroleum terminal subsequent to its sale to Lusa Realty Corp. Sunoco is not aware of any releases at the Facility during the periods that prior owners, including the Company, owned the Facility.

6. **Identify all current or prior operators that you are aware of for the Facility. For each such operator, further identify, if known, and provide copies of any documents you may have regarding:**
- a. **the dates of operation;**

- b. any corporate or real estate affiliation between the Company and each such prior operator; and
- c. the nature of the operations at such times; and
- d. release of hazardous substances, industrial waste, other waste including petroleum, at the Facility during the period that the prior operators were operating the Facility.

See Response to Request 5, above. Our understanding is that Ditmas Oil Associates, Inc. operated the Facility once it was sold by the Company to Lusa Realty Corp.

7. Litigation and Administrative Activity:

- a. **Has the Company or an affiliate been a party to any litigation, whether as plaintiff or defendant, where an allegation included liability for contamination of or from the Facility, any Other Newtown Creek Property or any other facility within 1,000 feet of Newtown Creek (whether or not owned or operated by the Company)? If yes, identify such litigation and its disposition, briefly describe the nature of the Company's involvement in the litigation and provide a copy of the pleadings and any final order.**

Sunoco is unaware of any litigation where Sunoco or any affiliate has been a party to any litigation where an allegation included liability for contamination of or from the Facility or any other Newtown Creek Property.

In December 2005, Sunoco was named by Third-Party Plaintiff ExxonMobil Corporation ("ExxonMobil") as a Third-Party Defendant in *DMJ Assoc. v. Capasso*, 97-cv-07285-DMI-RML, in the United States District Court for the Eastern District of New York. The other Third-Party Plaintiff, Quanta Resources Corporation ("Quanta"), has not brought claims against Sunoco. The third-party litigation in *DMJ Assoc. v. Capasso* involves claims to recover response costs arising from alleged contamination beneath and allegedly emanating from a former petroleum refining facility formerly owned by Russell Mahler and more recently owned by Quanta Resources Corporation ("Quanta Facility"). The evidence provided in the case does not establish a connection between Sunoco and the alleged contamination.

The Quanta Facility is located on Review Avenue in Long Island City, New York. ExxonMobil and Quanta have amended their Third-Party Complaint three times. The only remaining claims against Sunoco are ExxonMobil's claims for cost recovery under CERCLA section 107, 42 U.S.C. § 9607, and for contribution under CERCLA section 113, 42 U.S.C. § 9613. Sunoco has filed a counterclaim for contribution under CERCLA section 113(f), 42 U.S.C. § 9613(f).

Copies of the Third-Party Plaintiffs' Third Amended Complaint, Sunoco's Answer thereto, including its Counterclaim against ExxonMobil, and ExxonMobil's Reply to Sunoco's Counterclaim are attached as Exhibit 2.

Because there are approximately 150 pleadings that have been filed since Sunoco's entry into this litigation in December 2005 and the file is readily available from the Court, Sunoco has not attached all pleadings filed by all parties. Because this litigation is ongoing, there is no final order.

- b. **Has the Company or an affiliate been identified by the U.S. Environmental Protection Agency or by any New York State or New York City agency as a party responsible for environmental contamination with respect to a facility located within 1,000 feet of Newtown Creek? If yes, state the Company's understanding of the basis for such notice of responsibility and provide a copy of any correspondence, orders or agreements between the Company and the governmental agency.**

Sunoco is unaware of Sunoco or an affiliate being identified as a responsible party with respect to a facility located within 1,000 feet of Newtown Creek.

8. **Ownership of Newtown Creek: At the present time or at any past time, has the Company or any affiliate:**

- a. **Owned any portion of Newtown Creek or wetlands associated with Newtown Creek?**

According to the Indenture, between Fielder J. Coffin and Marjorie Pitkin Coffin and the Sun Oil Company, dated December 21, 1923, the grant of the Facility included "lands under the waters of Newtown Creek in front of and adjacent to said premises." However, we have not reviewed the law of New York with respect to the ownership of submerged lands and do not know if this grant conferred a legitimate interest in such lands.

- b. **Asserted control or exclusive rights to use any area of Newtown Creek or wetlands associated with Newtown Creek, for any purpose including, without limitation, dredging, filling, construction, maintenance or repair of any facility located in the waters, the associated wetlands or sediments, including, by way of example, bulkheads, rip rap, pipes, wharfs, piers, docking, loading or unloading facilities, cranes or over-water facilities.**

According to an Appraisal, prepared by The Binswanger/Herman Company, dated May 14, 1979 and the Newtown Creek Navigation Analysis, Kosciuszko Bridge Project, prepared by New York State Department of Transportation and the Federal Highway Administration, dated September 22, 2005 (the "Newtown Creek Navigation Analysis"), petroleum products were delivered to the Facility via barge. The Newtown Creek Navigation Analysis further stated that the mooring area consisted of a "213-foot timber bulkhead with solid fill." The Appraisal is attached hereto as Exhibit 3.

- c. **If the answer to either subparagraph "a" or "b" of this paragraph is yes, please identify the areas owned or controlled, or over which the company has a right to use, provide an explanation of how and from whom the Company acquired such ownership or control, provide a copy of all title documents, leases, permits or other instruments where such right was derived, and describe all activities conducted pursuant thereto.**

See the Responses to Requests 3.g., 8.a. and 8.b., above.

9. Operations In, Under or Over the Waters or On the Sediments of Newtown Creek:

- a. **Describe all activities at the Facility that were conducted over, on, under, or adjacent to, Newtown Creek. Include in your description whether the activity involved hazardous substances, industrial waste, petroleum or other waste materials and whether any materials were ever discharged, spilled, disposed of, dropped, or otherwise came to be located in Newtown Creek.**

Petroleum products were delivered to the facility via barge. Sunoco is not aware of any materials being discharged, spilled, disposed of, dropped or otherwise coming to be located in Newtown Creek.

- b. **Has the Company, or any affiliate, at any time, constructed or operated any facility in or over the waters or on the sediments of Newtown Creek, including any bulkheads, rip-rap, pipes wharfs, piers, docking, loading or unloading facilities, containment booms, cranes or other on-water or over-water facilities.**

See Response to Request 8.b., above.

- c. **Has the Company, or any affiliate, at any time constructed, operated or utilized any facility under the waters or sediments of Newtown Creek, including without limitation pipes, pipelines, or other underwater or under sediment facilities.**

Sunoco is not aware of any such facilities.

- d. **If the answer to subparagraph "b" or "c" of this paragraph is yes, please provide details including the facilities constructed or operated, the dates of such construction, replacement or major modification, whether there were discharges into the waters of Newtown Creek associated with construction or maintenance of such facilities, all permits associated with the construction or operation and the nature of the Company's authorization to construct or maintain such facilities in Newtown Creek including from whom the operating rights were obtained, and provide copies of relevant deeds, leases,**

licenses and permits.

See Responses to Requests 8.a. and b., above.

- e. Provide a summary of over-water activities conducted at the Facility, including but not limited to, any material loading and unloading operations associated with vessels, materials handling and storage practices, ship berthing and anchoring, ship fueling, cleaning, maintenance, or repair.**

See Response to Request 9.a., above.

- f. Utilized barges, tankers or other ships in any operations on Newtown Creek and, if so, provide details. With respect to barge, tanker and shipping operations:**

- i. Identify all products and raw materials transferred to or from barges, tanks and ships and the dates of such operations;**

See Response to Request 9.a., above.

- ii. Describe the method of transfer to and from barges or other ships during all periods of such activities;**

According to the Newtown Creek Navigation Analysis, there were three (3) six (6)-inch pipelines extending from the wharf.

- iii. Identify the types of barges or ships utilized and the depth of the water where barges or ships were moored;**

Sunoco has not located any information or documents responsive to this request.

- iv. Describe barge, tanker or other ship cleaning operations, if any, including the cleaning methods that were used, how cleaning waste was handled; and**

Sunoco has not located any information or documents responsive to this request.

- v. Describe spill prevention controls that were utilized in delivery or pick-up of materials.**

Sunoco has not located any information or documents responsive to this request.

- g. State whether any of the operations required to be identified above resulted in disposal or spillage of any materials into Newtown Creek or the re-suspension of any sediments of Newtown Creek. If the answer is a "yes" please provide details and documentation of such events.**

Sunoco is not aware of any such disposals or spills.

- 10. Identify each and every Other Newtown Creek Property (see Definition number 9.b for "Other Newtown Creek Property"), that your Company presently or previously owns (or owned), leases (or leased), manages (or managed), operates (or operated), controls (or controlled), or otherwise has or had rights to use, manage or operate, within the area extending one-thousand feet from the shoreline of Newtown Creek (Definition number 1 above defines "Newtown Creek" to include all tributaries or branches of Newtown Creek). Include among such Properties, all other business operations including, without limitation, any pipelines owned or operated by the Company or any affiliate, and any branded businesses of the Company or any affiliate, if any, such as Sunoco service stations, and describe the Company's relationship to each such business.**

As indicated in the cover letter, Sunoco will respond to this Request by March 1, 2012.

Section 3.0 Description of the Facility

- 11. Provide the following information for the Facility, including a description responsive to each question and depictions by map, drawing, survey or otherwise:**
- a. Address and borough, block and lot:**
- 53-02 11th Street
Long Island City, NY
Borough of Queens
Block 38, Lot 16
- b. historic photographs, including without limitation, aerial photographs, photographs showing construction, industrial or commercial processes, sanitary and storm sewer systems, outfalls, indoor and outdoor storage of materials or products, and photographs during construction;**

See the photographs contained in the Appraisal Report attached as Exhibit 3.

- c. **all surveys and drawings of the Facility in your possession showing current configurations and improvements as well as previous configurations and improvements;**

All such surveys and drawings are attached hereto as Exhibit 4.

- d. **sanitary sewer system information, including drawings, sewer easements, surveys or maps showing location and configuration both as currently configured and previous configurations;**

Sunoco has not located information or documents responsive to this request.

- e. **storm water sewer system information, including drawings, surveys or maps showing location and configuration both as currently configured and previous configurations;**

Sunoco has not located information or documents responsive to this request.

- f. **all below-ground structures, including, pipes, pipelines, sumps, wells, dry-wells and other structures for storage or conveyance of solid, gaseous or liquid materials, whether above ground or below ground, and whether owned or operated by you or by another, and as presently configured and as previously configured;**

See the Response to Request 11.c., above.

- g. **all above-ground structures, including buildings and including all facilities for storage or transport of solid, liquid or gaseous materials, whether owned or operated by you or by another, and as presently configured and as previously configured;**

See the Response to Request 11.c., above. Also, refer to the Appraisal Report for a description of the Facility as of the date of that report.

- h. **all over-water or in-water facilities (e.g., piers, docks, cranes, bulkheads, pipes, treatment facilities, containment booms, etc.);**

See the Response to Request 11.c., above.

- i. **all treatment or control devices for all media and pursuant to all environmental laws and regulations (e.g., surface water, air, groundwater, hazardous waste, solid waste, etc.);**

See Response to Request No. 30, below.

j. groundwater wells, including drilling logs; and

Sunoco is not aware of any groundwater wells.

k. information related to any other outfalls, ditches, direct discharge facilities or other conveyance features and any discharges associated therewith.

Sunoco is not aware of any other such conveyance features.

- 12. For all items identified in subparagraphs e, f, g, h, i, j, or k, locate each such item on a Facility map or plan, provide the date of installation, identify all permits associated with each item, state whether such items are still in service or, if not, when they were removed from service, identify all leaks or spills, if any, associated with each, and identify any closure of any such item.**

See the Response to Request 11.c., above.

- 13. For each permit identify the type of permit, the agency or governmental authority issuing the permit and provide a copy of the permit and any reports required to be generated by the permit.**

See the Response to Request No. 30, below.

- 14. With regard to the placement of Fill at the Facility:**

a. Was any fill placed on the Facility during the initial development of the Facility by the Company, or at any time thereafter? If so, identify all areas of the Facility where fill was placed, the lateral extent of the fill and the depth of the fill, the purpose of the placement, the source of the fill, the amount of the fill in each area, and the identity of the contractors involved in work related to the fill. State whether the fill has ever been characterized, either before placement or thereafter and, if so, provide a copy of the sampling/characterization results.

As discussed above, the Newtown Creek Navigation Analysis stated that the mooring area consisted of a “213-foot timber bulkhead with solid fill.” Sunoco has not located any additional information relating to this fill.

- b. Were any portions of the Facility historically part of Newtown Creek or did the Facility formerly include any marshlands or wetlands associated with Newtown Creek. Please depict any such areas on a survey, drawing or schematic. Please provide your understanding of who filled any such wet areas, the approximate date of such fill, and the lateral extent and depth of such fill, the source of the fill, the composition of the fill and, if any sampling has ever been done of such filled areas, provide a copy of the sampling results.

Sunoco has not located any information or documents responsive to this request.

15. Provide a copy of all reports, information or data you have related to soil, water (ground and surface), or air quality and geology/hydrogeology at and about the Facility. Provide copies of all documents containing such data and information, including both past and current aerial photographs as well as documents containing analysis or interpretation of such data.

Sunoco has not located any information or documents responsive to this request.

16. Identify all past and present solid waste management units or areas where materials are or were in the past managed, treated, or disposed (e.g., waste piles, landfills, surface impoundments, waste lagoons, waste ponds or pits, drainage ditches, tanks, drums, container storage areas, etc.) on the Facility. For each such unit or area, provide the following information:
- a. a map showing the unit/area's boundaries and the location of all known units/areas whether currently in operation or not. This map should be drawn to scale, if possible, and clearly indicate the location and size of all past and present units/areas;
 - b. dated aerial photograph of the site showing each unit/area;
 - c. the type of unit/area (e.g., storage area, landfill, waste pile, etc.), and the dimensions of the unit/area;
 - d. the dates that the unit/area was in use;
 - e. the purpose and past usage (e.g., storage, spill containment, etc.);
 - f. the quantity and types of materials (hazardous substances and any other chemicals) located in each unit/area;
 - g. the construction (materials, composition), volume, size, dates of cleaning, and condition of each unit/area; and
 - h. If the unit/area described above is no longer in use, explain how such unit/area was closed and what actions were taken to prevent or address potential or actual releases of waste constituents from the unit/area.

Sunoco is not aware of the presence of any solid waste management units at the Facility. As discussed below in response to Request 26, there was an oil/water separator located at the Facility. The location of the oil/water separator can be seen on the photographs in the Appraisal Report.

- 17. Provide the following information regarding any current or former sewer or storm sewer lines or combined sanitary/storm sewer lines, drains, or ditches discharging into Newtown Creek from the Facility:**
- a. the location and nature of each sewer line, drain, or ditch;**
 - b. the date of construction of each sewer line, drain, or ditch;**
 - c. whether each sewer line, drain, or ditch drained any hazardous substance, waste, material or other process residue to Newtown Creek; and**
 - d. provide any documentation regarding but not limited to the following on any and all outfalls to Newtown Creek which are located within the boundaries of the Facility. Your response should include, but not be limited to:**
 - i. whether the Facility is serviced by or otherwise drains or discharges to the outfalls and, if so, the source of the outfall;**
 - ii. the identify of upland facilities serviced by the outfalls;**
 - iii. the upland geographic area serviced by the outfalls; and**
 - iv. the type of outfall (i.e., storm water or single or multiple facility outfall).**

Sunoco is not aware of any such discharge points to Newtown Creek from the Facility. The available documents indicated that an oil/water separator was located at the Facility and the Facility was subject to a SPDES permit issued by the New York State Department of Environmental Conservation (Permit No. NY-0104604). It is unknown whether this permit and improvement related to a discharge to Newtown Creek, the New York City sewer system, or some other location.

- 18. Provide copies of any storm water or Facility drainage studies, including data from sampling, conducted at these Properties on stormwater, sheet flow, or surface**

water runoff. Also provide copies of any stormwater pollution prevention, maintenance plans, or spill plans developed for different operations during the Company's operation of the Facility.

Sunoco has not located any information or documents responsive to this request. See Response to Request 17, above.

19. Connections to New York City sewer system:

- a. **State whether the Facility is connected to the New York City sewer and the date that the Facility was first connected;**
- b. **State whether the Facility has ever discharged liquid wastes other than through the New York City sewer system and, if so, provide details on such discharges;**
- c. **State whether the Facility participates in the New York City pretreatment program, whether the Company has ever been classified as a significant industrial user, whether the Company has ever been in violation of sewer use requirements or permits or received any notices of violation relating to use of the New York City sewer system;**
- d. **Provide any information detailing the volume of liquids discharged to the sewers and the nature of the discharges including analytical data detailing the makeup of the discharged liquids;**
- e. **Provide copies of all permits and permit applications for Industrial Wastewater discharge permits;**
- f. **Provide copies of all notices of violations, correspondence, hearing transcripts and dispositions relating to the Company's use of the New York City sewer system;**
- g. **Copy of Baseline Monitoring Reports submitted to NYC in connection with the Company's application for an industrial wastewater discharge permit;**
- h. **Copies of all surveys, reports or analyses delineating or characterizing the company's liquid wastes;**
- i. **Copies of all periodic monitoring reports for wastes discharged through the sewer system; and**
- j. **Copies of all invoices from NYC or the NYC Water Board for water and/or wastewater charges including any wastewater allowances.**

Sunoco has not located any information or documents responsive to this request. See Response to Request No. 17, above.

Section 4.0 Company's Operational Activities

20. Describe the nature of your operations or business activities at the Facility. If the

products or processes, operation or business activity changed over time, please identify each separate operation or activity, the dates when each operation or activity was started and, if applicable, ceased. Also, please provide the following:

- a. **Identify and describe the petroleum storage, blending, oil automotive storage and repair activities conducted at the Facility;**

Sunoco utilized the facility as a petroleum terminal.

- b. **In addition to the foregoing activities, identify each other business activity for which the Facility has been by the Company;**

Sunoco is not aware of any other business activities at the Facility.

- c. **Have petroleum products been blended, combined, refined, re-refined or otherwise treated or mixed to produce products different from what was delivered to the Facility? Please identify the products involved and all chemicals or materials used in such process, and describe each of the processes;**

According to the Appraisal Report, Building No. 2 formerly housed a blending operation.

- d. **Describe motor vehicles storage or repair activities conducted at the Facility;**

According to the Appraisal Report, Building No. 1 was a garage. Sunoco does not have any information whether motor vehicle storage or repair activities were conducted at the Facility.

- e. **Identify each industrial process employed at the Facility and the raw materials used and the wastes generated;**

The Facility was used as a petroleum terminal.

- f. **Provide a schematic diagram or flow chart that fully describes and/or illustrates the Company's operations, from time to time, on the Facility;**

See Exhibit 4.

- g. **Provide a schematic diagram that indicates which part of the Company's operations generated each type of waste, including but not limited to wastes generated by cleaning and maintenance of equipment and machinery and wastes resulting from spills of liquid materials;**

Sunoco has not located any specific information responsive to this request. Equipment on site included storage tanks, an oil-water separator, and a vapor recovery unit. It is possible that this equipment generated wastes typically associated with that type of equipment.

- h. Describe all settling tank, septic system, or pretreatment system sludges or other treatment wastes resulting from the Company's operations;**

See Response to Request 20. g., above

- i. Provide copies of any Material Safety Data Sheets (MSDSs) and Right-to-Know Notices for raw materials used in the Company's operations;**

Sunoco has not located any documents responsive to this request.

- j. Provide copies of MSDSs for each product produced at the Facility; and**

Sunoco has not located any documents responsive to this request.

- k. Provide product literature and advertising materials for each product produced at the Facility.**

This Facility was a terminal that did not produce any products.

- 21. Did the Company store or combust coal at the Facility during the time of its ownership or operation? If your answer is yes, please respond to the following requests for information for all periods of time that the company operated at or owned the Facility:**

- a. Identify the purposes for such coal storage or combustion, including if used in energy production, the processes in which the energy was used at the Facility;**
- b. State the means by which the shipments of coal were delivered to the Facility, whether by barge, rail, truck or other, and identify the shipper and the vendor. Describe how the coal was received at the Facility and transported to storage facilities;**
- c. Identify the volume of coal received at the Facility, the type or types of coal (i.e. bituminous, anthracite, etc.) received and consumed on an annual basis during the period of the Company's ownership or operations, including changes over time;**
- d. Describe the means of storage of coal at the Facility, including whether the Facility employed coal pockets or other storage areas, the dimensions and volume of such storage facilities, and whether such storage was indoors or outdoors and covered or uncovered. Identify on a Facility map or diagram the location of the coal storage facilities. Describe the means of transport of the coal from the storage facilities to the combustion point;**

- e. **Identify how the coal ash was managed including the location and storage facilities for the coal ash and whether it was stored indoors or outdoors, covered or uncovered, the means of conveying the ash to the on-site storage facilities, the location of the storage facilities, and, if sent for disposal, identify the disposal companies. State whether the ash was ever used at the Facility, whether as fill or for any other purpose, or if it was in any other manner disposed of at the Facility and, if so, describe the circumstances and identify the areas of disposal on a Facility map;**
- f. **State whether there were Company written manuals providing for coal purchase, storage, maintenance of storage facilities, transport, consumption, or ash management and, if so, provide a copy of such written materials; and**
- g. **State whether there were any permits associated with the coal receipt, storage, or consumption or ash management and, if so, provide a copy of such permits.**

Sunoco does not have any knowledge or information of storing or combusting coal at the Facility during the time of its ownership or operation.

- 22. Describe the receipt, storage and off-shipment of chemicals, raw materials, intermediary product, and final product (including, without limitation petroleum) at the Facility. For each question, identify the time period covered by your response. Please provide a copy of Company manuals that over time were in effect describing these procedures.**

- a. **For receipt of materials, please identify:**
 - i. **all such materials (including, without limitation, petroleum) received, stored at or shipped from the Facility;**
 - ii. **its method of shipment to the facility (e.g., pipeline, barge, rail, tanker, truck, or other);**
 - iii. **testing, if any, upon receipt of such material, for quality, for conformity to specification, for contamination or otherwise; and**
 - iv. **treatment, if any, at the Facility of any material shipped to the facility, prior to storage in tanks at the facility.**

As described above, petroleum products were received at the facility via barge. Sunoco has not located any other information or documents responsive to this request.

- b. **For petroleum storage, identify storage procedures including sampling or testing of petroleum products following initial storage; procedures for filtering or re-refining or cleaning petroleum products at the Facility in order to remove contamination or impurities or to meet specifications for petroleum products.**

Sunoco has not located any information or documents responsive to this request.

- c. **For off-shipment, identify the methods of shipping petroleum products from the Facility (barge, tanker, truck, rail, pipeline or other); testing of petroleum products prior to shipment and the fate of any product that does not meet specifications for such product and the reasons that any product may have failed to meet your Company's standards for shipment.**

There was a truck rack for loading trucks. Sunoco has not located any other information or documents responsive to this request.

- d. **For additives, catalysts and petroleum-related chemicals, during the period commencing with the Company's initial operation at the Facility to the present:**
- i. **identify all additives, catalysts and other chemicals received at the Facility for the purpose of adding to, blending, refining, re-refining or otherwise treating petroleum products ("additives or chemicals"). Please address each additive or chemical received at the Facility, including, without limitation, ethanol, lead, methyl tert-butyl ether (MTBE), ethyl tert-butyl ether (ETBE), and fuel dyes;**
 - ii. **How and where was the additive or chemical delivered to, received at, tested and stored at the Facility;**
 - iii. **How was the additive or chemical used by the Company? Please address: Which products received additive or chemicals and for what purpose. Identify all spills, emissions, discharges and releases of any additive or chemical and state whether any releases or discharges are federally permitted releases; and**
 - iv. **Please provide copies of MSDSs for each such additive or chemical.**

Sunoco has not located any information or documents responsive to this request.

- e. **For chemicals that are not additives, catalysts or petroleum-related, identify chemicals acquired for use at the Facility (other than for adding or blending with petroleum) including the identification of each such chemical, the purpose for which it was acquired, any testing done on such materials upon receipt, the method of storage whether in the warehouse or in storage tanks or otherwise. Describe all processes for which each such chemical was used at the Facility. Identify all spills, emissions, discharges and releases of any such chemical since the time that your Company has owned the facility and if you know, prior to your ownership and/or operations at the facility. Please provide copies of MSDSs for each such chemical.**

Sunoco has not located any information or documents responsive to this request.

- f. **For tank bottoms:**
- i. **Describe how tank bottoms were generated and managed at the Facility at the time that the Company first acquired the property.**

- ii. **Describe changes to tank bottom generation and management as the Facility has been upgraded and product storage has changed; Have tanks at the Facility been used for storage of different petroleum products and, if so, describe cleaning procedures and management of bottoms as product mix has changed;**
- iii. **Describe how petroleum bottoms have been managed in incoming deliveries of petroleum products;**
- iv. **Identify all contractors used by the Company to manage tank bottoms at the Facility;**
- v. **If these practices changed over time, provide information regarding the development of tank bottoms management and disposal practices over the period of time that the Company owned or operated the Facility;**
- vi. **Have bottoms ever been disposed of or released onto the land at the Facility? If so, please describe the circumstances; and**
- vii. **Have bottoms ever been disposed of or released into the waters of Newtown Creek? If so, please describe the circumstances.**

Sunoco has not located any information or documents that tank bottoms were ever disposed or released onto the land at the Facility or into the waters of Newtown Creek. Sunoco has not located any other information or documents responsive to this request.

- g. **For tank and infrastructure cleaning: Describe tank cleaning and infrastructure cleaning procedures, the identification of materials removed in such cleaning operations, the volume of waste generated in such operations and the storage, and the treatment and disposal of such wastes. Identify the contract and the contractors used to perform the cleaning for the Company.**

Sunoco has not located any information or documents responsive to this request.

- h. **For metals and metal compounds (including but not limited to raw materials, scrap, byproducts, ash, wastewater and wastes containing metals or metal compounds but not including metals as components of structures or equipment): Identify any metals and metal compounds previously or currently used or otherwise present at the Facility; the purpose for each of them; any testing done on such materials; and the method and location of use, storage and other handling of such materials at the Facility. Identify all spills, emissions, discharges and releases of any such substances at or from the Facility since the time that your Company owned or operated the Facility. Please provide any MSDSs for each such substance.**

Sunoco has not located any information or documents that metals or metal compounds were used or otherwise present at the Facility with the exception that petroleum products may have contained certain metals.

- i. **For polychlorinated biphenyls ("PCBs"):** Identify any PCBs previously or currently used or otherwise present at the Facility, including, but not limited to (i) PCBs in plasticizers, fire retardants, paints, water-proofing, railroad ties, heat stabilizing additives for adhesives, and other materials; (ii) PCBs in capacitors, transformers, vacuum pumps, hydraulic systems, and other devices; and (iii) PCBs in raw materials, wastes, wastewater, scrap, and byproducts. Identify the purpose for each of them; any PCB testing done on such materials; and the method and location of use, storage and other handling of PCBs at the Facility. Identify all spills, emissions, discharges and releases of any PCBs at or from the Facility since the time that your Company has owned the Facility. Please provide any MSDSs for PCBs at the Facility.

Sunoco has not located any information or documents relating to PCBs at the Facility.

- j. **Provide copies of any records, including Company manuals or written procedures that you have in your possession, custody or control relative to the activities described in this Question.**

Sunoco has not located any information or documents responsive to this request.

23. **Describe the years of use, purpose, quantity, and duration of any application of pesticides or herbicides on the Facility. Provide the brand name of all pesticides or herbicides used.**

Sunoco has not located any information or documents responsive to this request.

24. **For all periods of the Company's ownership or operation of the Facility, describe how wastes transported off the Facility for disposal or treatment were handled, stored, and/or treated prior to transport to the disposal facility.**

Sunoco has not located any information or documents responsive to this request.

25. **Describe the cleaning and maintenance of the equipment and machinery involved in these operations, including but not limited to:**

- a. **the types of materials used to clean/maintain this equipment/machinery;**
- b. **the monthly or annual quantity of each such material used;**
- c. **the types of materials spilled in the Company's operations;**
- d. **the materials used to clean up those spills;**
- e. **the methods used to clean up those spills;**
- f. **where the materials used to clean up those spills were disposed of;**
- g. **provide copies of Company manuals or procedures relating to cleaning of equipment and machinery and the Facility; and**
- h. **provide copies of all records of such cleaning and maintenance including internal records and records from any outside vendor for such services.**

Sunoco is not aware of any spills of materials in the Company's operations. Sunoco has not located any information or documents responsive to this request.

- 26. Describe all wastes disposed by the Company into drains at the Facility, including but not limited to:**
- a. the nature and chemical composition of each type of waste;**
 - b. the approximate quantity of those wastes disposed by month and year;**
 - c. the location to which these wastes drained (e.g. septic system or storage tank at the Facility, oil-water separator, pre- treatment plant, New York City sewer system); and**
 - d. whether and what pretreatment was provided.**

Sunoco has not located any information or documents responsive to this request.

- 27. Identify all oil/water separators at the Facility during the Company's ownership or operation including dates of installation, dates of replacement or major modification, purpose of installation and source of influent, location of discharge. Provide a copy of each permit and permit application, influent and effluent sampling results and copies of all submissions to federal, state, city or county environmental agencies or public health agencies relating to oil/water separators.**

An oil/water separator is believed to have been installed at the Facility in approximately 1979. All information that Sunoco has located regarding the oil/water separator are attached hereto as Exhibit 6.

- 28. Identify each fixed above-ground storage tank and each fixed below-ground storage tank that is or was situated on the Facility during the Company's ownership or operation. For each tank, identify the date of installation, the dates and nature of major modifications, the dates and nature of spill detection equipment, the dates and nature of cathodic protection equipment, and description or drawings of tanks, identity of contents that have been stored in the tank both before (if known) or during the Company's ownership or operation, and the practices of cleaning at the time of any change in items stored, and the manner of ultimate disposal of wastes from the tank. Identify procedures for addressing spills from the tanks and identify all spills that have occurred during the Company's ownership of the Facility. Provide a copy of all permits relating to the tank and provide a copy of all Company written manuals or procedures, including manuals that have been superseded by newer manuals or procedures, addressing use and maintenance of such tanks.**

Based upon available information, it appears that there may have been as many as a total of twenty-eight (28) above-ground storage tanks used for the storage of petroleum products located at the Facility at various times. The Appraisal Report, prepared by The Binswanger/Herman Company, dated May 14, 1979, stated that three tanks "had been

condemned for bottom leakage.” See p. 18 of the Appraisal Report. However, according to a Corrosion Study and Cathodic Protection Survey of Long Island City, New York Terminal (NE-7), prepared by Petro-Chemical Associates, Inc., dated February 4, 1976 (“Cathodic Protection Survey”), no corrosion of these tanks was noted as they were constructed on concrete slabs. The Cathodic Protection Survey does not indicate that any of the tanks in operation at the time of the survey had cathodic protection. In addition, the Appraisal Report identifies the presence of tanks in the former blending building. The Cathodic Protection Survey is attached hereto as Exhibit 5.

- 29. Identify each pipeline serving the Facility that is or was situated on the Facility property (either above- or below- ground) during the Company's ownership or operation. For each pipeline, identify the owner and the operator for the pipeline and the owner or operator of the pipeline to which such segment is connected, and provide a copy of all permits relating to the pipeline on the Facility, the date of installation, all materials transported to the Facility through the pipeline, including crude petroleum or petroleum products, additives, other refining materials, batch separators, natural gas, manufactured gas, other fuel sources, chemicals and/or other materials. Describe pipeline cleaning processes and procedures for handling and disposal of wastes in the pipelines including mixed batches of materials in the pipeline. Identify procedures for addressing spills from the pipelines and identify all spills that have occurred during the Company's ownership of the Facility. Please provide a copy of all Company written manuals or procedures, including manuals that have been superseded by newer manuals or procedures, which address or regulated use and maintenance of such pipelines.**

Sunoco is not aware of the presence of any “pipelines” for the transmission of product to or from the Facility. There was piping present at the Facility for the transmission of product on-site.

Section 5.0 Regulatory Information

- 30. Identify each federal, state and local authority that regulate or regulated environmental concerns relating to the ownership or operation at the Facility, the activity regulated, and the applicable federal, state and local statute or regulation from which such regulation was derived.**

New York State Department of Environmental Conservation, SPDES Permit No. NY-0104604.

New York State Department of Transportation, Major Petroleum Facility License, Federal I.D. No. 23-1743283 05.

New York City Ports and Terminals, Permit No. 780062. Installation of a replacement vapor recovery system.

New York City Ports and Terminals, Permit No. 790081. Decommissioning of tanks No.

24, 25 and 26, Conversion of tank No. 27E from 190 to 260 storage.

New York City Ports and Terminals, Permit No. 7901008. Alterations to Loading Rack.

New York City Ports and Terminals, Permit No. 770027. Installation of oil/water separator.

Documents relating to these various permits are attached hereto as Exhibit 6.

- 31. Describe all occurrences associated with violations, citations, deficiencies, and/or accidents concerning the Facility related to environmental concerns. Provide copies of all documents associated with each occurrence described.**

Sunoco is not aware of any such occurrences.

- 32. Provide a list of all local, state, and federal environmental permits which have been applied for or issued to the Company with respect to the Facility for any media, e.g., water (including SPDES and NPDES, NYC sewer permit, Industrial Pretreatment Program permit or any other wastewater discharge related governmental authorization or notice), excavation and fill in navigable waters, dredging, tidal wetlands, air, solid waste or hazardous waste, bulk storage, industrial wastewater, etc. under any environmental statute or regulation. Provide a copy of each federal and state permit, the applications for each permit.**

See Response to Request 30, above.

- 33. Has the Company or any affiliate, contractor, or agent associated with the Company or an affiliate, or any individual associated with any of the foregoing ever been accused of any criminal violation in connection with any operation at the Facility. If so, describe the disposition of such accusation and provide details on such accusation.**

Sunoco is unaware of any information responsive to this Request.

- 34. Was a Notification of Hazardous Waste Activity ever filed with EPA or New York State for any activity at the Facility during the period that the Company or any affiliate owned or operated at the Facility. If so, provide a copy of such notification and the response given by EPA or New York State including the RCRA identification number assigned.**

Sunoco is unaware of any information responsive to this Request.

- 35. Did the Company or any affiliate ever have "interim status" under RCRA at the Facility? If so, and the Facility does not currently have interim status; describe the**

circumstances under which the Facility lost interim status.

Sunoco is unaware of any information responsive to this Request.

- 36. Identify all state or city offices to which the Company has sent or filed hazardous substance or hazardous waste information. State the years during which such information was sent/filed.**

Sunoco has not located any information or documents responsive to this request.

- 37. Has the Company or the Company's contractors, lessees, tenants, or agents ever contacted, provided notice to, or made a report to the New York State Department of Environmental Conservation or New York City Department of Environmental Protection or any other state or city agency concerning an incident, accident, spill, release, or other event involving the Facility or involving Newtown Creek? If so, describe each incident, accident, spill, release, or other event and provide copies of all communications between the Company or its agents and NYSDEC, NYCDEP, NYSDOH, NYCDOH or any other state or city agency.**

Sunoco is not aware of any such notices or reports.

Section 6.0 Facility Releases, Investigations and Remediation

- 38. Identify all leaks, spills, or releases into the environment of any waste, including hazardous substances, pollutants or contaminants, industrial waste or petroleum that have occurred at or from the Facility. In addition, identify and provide copies of any documents regarding:**
- a. the date of each releases;**
 - b. how the releases occurred, e.g. when the substances were being stored, delivered by a vendor, transported or transferred (to or from any tanks, drums, barrels, or recovery units), and treated;**
 - c. the identity of the material released and the amount of each released;**
 - d. where such releases occurred;**
 - e. activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release and the remediation and the regulatory disposition concerning such release; and**
 - f. identify all fires, explosions or other similar events that have occurred at the Facility during the Company's ownership or operation that required response either by a Facility employee or a New York City responder or that was the subject of a subsequent investigation by a New York City agency. Identify the location on a Facility map where each of the events occurred and identify the items that were combusted in whole or part, including, without limitation, hazardous substances, pollutants or contaminants, industrial waste or petroleum. Provide a copy of all reports of the event,**

whether such reports are the Company's private reports or are public reports in the Company's possession.

Sunoco is not aware of any leaks, spills or releases at or from the Facility. See Response to Request 27, above.

- 39. Was there ever a spill, leak, release or discharge of waste, or process residue, including hazardous substances, pollutants, contaminants, industrial waste, or petroleum into any subsurface disposal system or floor drain inside or under a building on the Facility? If the answer to the preceding question is anything but an unqualified "no", provide details of each event and any communication with any federal, state or city regulatory body.**

Sunoco is not aware of any such event.

- 40. Has any contaminated soil ever been excavated or removed from the Facility? Unless the answer to the preceding question is anything besides an unequivocal "no", identify and provide copies of any documents regarding:**
- a. Reason for soil excavation;**
 - b. location of excavation presented on a map or aerial photograph;**
 - c. manner and place of disposal and/or storage of excavated soil;**
 - d. dates of soil excavation and amount of soil excavated;**
 - e. all analyses or tests and results of analyses of the soil that was removed from the Facility;**
 - f. all confirmatory analyses or tests and results of analyses of the excavated area after the soil was excavated and removed from the area; and**
 - g. all persons, including contractors, with information about (a) through (f) of this question.**

Sunoco is not aware of any such excavation or removal.

- 41. Have you treated, pumped, or taken any kind of response action on groundwater under the Facility? Unless the answer to the preceding question is anything besides an unequivocal "no", identify and provide copies of any documents regarding:**
- a. reason for groundwater action;**
 - b. whether the groundwater contains or contained hazardous substances, pollutants, contaminants, industrial waste, or petroleum, what the constituents are or were which the groundwater contained, and why the groundwater contained such constituents;**
 - c. all analyses or tests and results of analyses of the groundwater;**
 - d. if the groundwater action has been completed, describe the basis for ending the groundwater action; and**

- e. **all persons, including contractors, with information about (a) through (d) of this question.**

Sunoco is not aware of any such treatment, pumping or other response action.

42. **Was there ever a spill, leak, release or discharge of a hazardous substance, waste, or material into Newtown Creek from any equipment, structure, or activity occurring on, over, or adjacent to the Creek? If the answer to the preceding question is anything but an unequivocal "no", identify and provide copies of any documents regarding:**

- a. **the nature of the hazardous substance, waste, or material spilled, leaked, released or discharged;**
- b. **the dates of each such occurrence;**
- c. **the amount and location of such release;**
- d. **whether sheens were created on the Creek by the release; and**
- e. **whether there ever was a need to remove or dredge any solid waste, bulk product, or other material from the Creek as a result of the release? If so, please provide information and description of when such removal/dredging occurred, why, and where the removed/dredged materials were disposed.**

Sunoco is not aware of any such spill, leak, release or discharge.

43. **Describe the purpose for, the date of initiation and completion, and the results of any investigations of soil, water (ground or surface), sediment, geology, hydrology, or air quality on or about the Facility. Provide copies of all data, reports, and other documents that were generated by the Company or any contractor or consultant, or by a federal or state regulatory agency related to the investigations that are described.**

Sunoco is not aware of any such investigations.

44. **Describe any remediation or response actions that you or your agents or consultants have ever taken or are currently taking at the Facility, either voluntarily or as required by any state, local or federal entity. If not otherwise already provided under this Information Request, provide copies of all enforcement agreements with regulatory agencies pursuant to which such response actions were undertaken as well as all reports of investigations or cleanup activities on the Facility.**

Sunoco is not aware of taking any remediation or response actions at the Facility.

45. **State whether you are planning to perform any investigations of the soil, water (ground or surface), geology, hydrology, and/or air quality on or about the Facility? If so, identify: the purpose, nature, and scope of such investigations and the dates when you plan to undertake such investigations.**

Sunoco does not have any plans to perform any investigations at the Facility.

46. **Provide a copy of all environmental investigation reports of the Facility including investigations undertaken at the times of acquisition and transfers of the Facility by the Company.**

Sunoco has not located any information or documents responsive to this request.

Section 7.0 Compliance with this Request and Financial Information

47. **Persons and Sources Consulted in Your Response: Identify all persons, other than counsel, that the Company consulted, and all sources that the Company reviewed in responding to this request, including, but not limited to:**
- a. **the names of persons consulted, the contact information for such person, and if the person is a current or former employee, the job title and responsibilities for such persons and the dates of employment, and identify which questions the person was consulted about; and**
 - b. **a description and the location of where all sources reviewed are currently located, and the questions to which such sources relate.**

The following employees were contacted and provided information and/or documents generally to respond to these Requests:

Thomas Aleksendrowicz	Current Employee/Operations
Scott Cullinan	Current Employee/Remediation
Helen Doherty	Current Employee/Compliance
Philip Fulmino	Retired
Russell Hammond	Current Employee/Remediation
Virginia Hart	Current Employee/Real Estate
Stephen M. Metzler	Current Employee/Insurance
Shirley Owens	Current Employee/Document Retention
John P. Steele	Current Employee/Real Estate

Contact with any employees or former employees of Sunoco must be made through outside counsel for Sunoco.

48. **Identify all individuals who currently have and those who have had responsibility for the Company's environmental matters (e.g. responsibility for the disposal, treatment, storage, recycling, or sale of the Company's wastes). Also provide each such individual's job title, duties, dates performing those duties, supervisors for those duties, current position or the date of the individual's resignation, and the**

nature of the information possessed by such individuals concerning the Company's waste management.

This request is overly broad and unrelated to the Facility. Sunoco is not aware who was responsible for environmental matters for the Facility.

49. Financial Information: Provide a copy of the Company's certified annual financial statements for each of the most recent three years.

See Exhibit 7, attached hereto.

50. Insurance and Indemnification:

- a. **Provide a schedule of liability insurance policies that provided coverage for the Company with respect to the Facility. Please list all policies from the Company's initial ownership or initial operation of the Facility to the current date, showing the insured, insurer, broker or agent from whom you procured such insurance (if any), policy number, effective dates of the policy, and liability limits. Provide a copy of the Declaration Page for each such insurance policy. For any insurance policy that the Company no longer has in its possession, provide a copy of relevant records tending to show the existence of such policy;**

Sunoco maintains and has maintained an insurance program that includes both various insurance policies and self-insurance. Sunoco does not believe that any of these policies would be responsive to any potential environmental liability associated with this Facility.

- b. **Provide a schedule of casualty insurance policies since the time of initial ownership or operation of the Facility, with the same information called for in the previous subparagraph that may provide coverage for cleanup of the Facility;**

See Response to Request 50.a.

- c. **Has the Company made claims under any policy in connection with environmental liability or environmental casualty in connection with the Facility? If the Company has ever made such a claim, provide a copy of all notices and correspondence in connection with such claim, and state the disposition of such claim;**

After reasonable investigation and inquiry, Sunoco is unaware of any such claims.

- d. **Identify each entity that may have a duty to indemnify the Company for any potential liability in connection with the Facility or the Site, identify the circumstances giving rise to the indemnity, and provide a copy of any document that reflects a requirement to indemnify the Company; and**

Sunoco is not aware of any party that may have a duty to indemnify the Company for any potential liability in connection with the Facility. Other parties with potential liability in connection with the facility may have common law or statutory indemnity obligations.

- e. **Identify each entity that the Company has agreed to indemnify for any potential liability in connection with the Facility or the Site, identify the circumstances giving rise to the indemnity and provide a copy of any document that reflects a requirement to indemnify by the Company.**

Sunoco is unaware of any information responsive to this Request.